

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 3

July 28, 1995

DISSEMINATION OF COMMISSION RECORDS

PURPOSE: To define public and non-public records and to establish procedures for examination and recording.

1. **SCOPE:** Applicable to Commission staff. This operating instruction shall have no impact on the operating instruction relating to the Privacy and Security of Students' Records at the Law Enforcement Training Center.
2. **REFERENCE:** Section 84-712 through 84-712.09 and Section 81-1843 of Nebraska State Statutes.
3. **GENERAL:** State law requires that Commission records, with a few exceptions, be available for public inspection.
4. **STATUTES:**
 - A. Divisions of the Commission generate and maintain sensitive records. Section 84-712, Cummm. Supp. 1994 permits public access to all records except those specifically mentioned in other statutes, such as those in Section 81-1842, R.S. Supp., 1994, and those mentioned in 84-712.05, Cummm. Supp. 1994.
 - B. Sections 84-712.05, Cummm. Supp. 1994, in pertinent part, reads as follows:

The following records, unless publicly disclosed in an open court, open administrative proceedings or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

... (2) Medical records, other than records of births and deaths, and except as provided in subdivision (5) of this section, in any form concerning any person, and also records of elections filed under Section 44-2821;

... (5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, the investigation, intelligence information, citizen complaints or inquiries, informant identification, or other strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;

... (7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

5. NON-PUBLIC RECORDS

- A. All personnel files other than salaries and routine directory information.
- B. Jail Standards Division:
 - i. Investigatory reports prepared at the specific request of a District Judge, the Governor, or the Attorney General;
 - ii. Correspondence lodging complaints against jails, temporary holding facilities or juvenile detention centers which are subsequently forwarded to the appropriate Judge;
 - iii. Notes and preliminary reports of field representatives compiled during evaluations;
 - iv. Nebraska Jail Admission and Release Records.
 - v. Nebraska Juvenile Admission and Release Records.
- C. Crime Victim's Reparations:
 - i. Pursuant to Section 81-1842, the name of any victim of a sexual assault appearing in information or records of the Crime Victim's Reparations Committee when the victim is applying for compensation shall not be made public.

- ii. Information compiled while investigating a claim for compensation, including medical history information and police reports;

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- iii. Notes and memorandums generated by members of the Committee or hearing officers, having a bearing on a decision, but not actually a part of a decision.

- D. Personal and/or confidential correspondence.
 - E. The names of the victims and the defendants in claims for Crimes Against Children funds shall not be made public, unless publicly disclosed in an open court.
 - F. Release of information on students attending or graduating from the Law Enforcement Training Center shall be limited to whether the student has been certified and if so the date of that certification.
 - G. The Training Center course syllabus is available but other information, including lesson plans, shall be considered on a case by case basis.
6. **PUBLIC RECORDS:** All other records of the Commission shall be available during regular business hours for public inspection and copying. Any inspection or copying request shall be approved by the appropriate division chief.
7. **COPY CHARGE:** A charge of 50 cents per page shall be assessed for all copies made.

Allen L. Curtis
Executive Director

Distribution: Commission staff

Replaces O.I. #3 dated October 29, 1982